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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) No. CR 08-0131 PJH
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME FROM
17 DEMETRIUS SMITH,) SPEEDY TRIAL ACT CALCULATION
18 Defendant.) (18 U.S.C. § 3161(h)(8)(A))
19

20 With the agreement of the parties, and with the consent of defendant Demetrius Smith,
21 the Court enters this order documenting defendant's exclusion of time under the Speedy Trial
22 Act, 18 U.S.C. § 3161(c)(1), from March 26, 2008, to April 16, 2008. The parties agree, and the
23 Court finds and holds, as follows:

24 1. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to
25 grant the requested continuance would unreasonably deny defense counsel reasonable time
26 necessary for effective preparation, taking into account the exercise of due diligence, in this case.
27 Defendant requested this time exclusion in order to allow time for his attorney to prepare the
28 motion he plans to file on April 16.

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1 2. Given these circumstances, the Court found that the ends of justice served by
2 excluding the period from March 26, 2008, to April 16, 2008, outweigh the best interest of the
3 public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

4 3. Accordingly, and with the consent of the defendant, at the hearing on March 26,
5 2008, the Court ordered that the period from March 26, 2008, to April 16, 2008, be excluded
6 from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

7 IT IS SO STIPULATED.

8
9 DATED: March 28, 2008

/s/
MICHAEL THORMAN
Attorney for Defendant

10
11 DATED: March 27, 2008

/s/
ANDREW P. CAPUTO
Assistant United States Attorney

12
13 IT IS SO ORDERED.

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15 DATED: 4/14/08

